

Attorney Docket No. 101.0053-00000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
Gary K. Michelson) Group Art Unit: 3764
Serial No.: 08/480,908) Examiner: M. Brown
Filed: June 7, 1995)
For: THREADED FRUSTO-CONICAL)
INTERBODY SPINAL FUSION)
IMPLANTS)

BOX AF
Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.608(a)

I, Gary Karlin Michelson declare as follows:

1. I am the applicant and sole inventor of U.S. Patent Application 08/480,908 (the '908 application) filed June 7, 1995. The facts set forth in this declaration are based on my own first-hand knowledge.
2. This declaration is being made to provoke an interference between U.S. Patent No. 5,669,909 to Zdeblick et al. (the '909 patent) filed March 30, 1995.
3. The effective filing date of the '908 application is less than three months after the effective filing date of the '909 patent.
4. I believe that there is a basis upon which I am entitled to a judgment relative to the patentee of the '909 patent.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 1 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

1/12 2002
Date

Gary Karlin Michelson, M.D.